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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,869	12/31/2003	Robert Edward Gamble	24AT-135859	6292
7590 Patrick W. Rasche Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102				
EXAMINER PALABRICA, RICARDO J				
ART UNIT 3663		PAPER NUMBER		
MAIL DATE 11/18/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,869

Applicant(s)

GAMBLE ET AL.

Examiner

Rick Palabrica

Art Unit

3663

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-10, 12, 17, 18, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-10, 12, 17, 18, 25, and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's 10/15/08 Amendment, which directly amended claims 9 and 17, canceled claims 11 and 19, and traversed the rejection of claims in the 5/15/08 Office action, is acknowledged.

Applicant's arguments have been fully considered but they are not persuasive.

Response to Arguments

2. Applicant traversed applied art, Artnik et al., on the ground that they "do not describe nor suggest at least one baffle that includes a base end and a tip end, with the base end having a larger cross-sectional area than the tip end, with the base end positioned proximate the drywell side wall (i.e., circumferential wall 7.2) –see Remarks, sentence bridging pages 7 and 8 of the 10/15/08 Amendment." Applicant argues that: a) "turbulent bodies 34r and 34d described in Artnik et al. are not flow baffle including a base end and a tip end ..."; and b) "the triangular portion of bottom part 7.1 of the support structure 7 shown in Figures 2B and 3B is not a baffle; [r]ather, Figures 2B and 3B clearly show a sectional view of one inlet channel 31a (i.e., inlet pipe) extending through the support structure 7.

The examiner disagrees.

As to argument a), nowhere in the 5/15/08 Office action does the examiner read applicant's claim language "baffle" on turbulent bodies 34r and 34d.". Thus, applicant is misrepresenting the examiner's basis for meeting the claim limitation.

As to argument b), first, applicant has not defined the term “baffle” and absent such definition, the examiner uses the ordinary meaning of the term, i.e., “a device (as a plate, wall, or screen) to deflect, check, or regulate flow (as of a fluid, light or sound)” – see Ref. U. Clearly the triangular structure at the bottom part of 7.1 of support structure 7 meets this definition because it is at least a wall and deflects fluid flows f2 and f1, as shown in Figs. 2B and 3B or Artnik et al.

Second, note that in applicant's Fig. 2, the coolant flow is deflected at the tip of triangular baffle 100. A similar coolant flow deflection is shown, e.g. in Fig. 2B of Amik et al., at the tip of their baffle (i.e., triangular structure at bottom part 7.1). Since the structure of the references is the same as that recited in the claims, the references must each inherently function in the same manner to produce the same results as applicant's situation. As to limitations which are considered to be inherent in a reference, note the case law of In re Ludtke, 169 USPQ 563, In re Swinehart, 169 USPQ 226, In re Fitzgerald, 205 USPQ 594, In re Best et al., 195 USPQ 430, and In re Brown, 173 USPQ 685, 688.

Third, Artnik et al.'s inlet channel 31a underneath their baffle (i.e., bottom part 7.1) acts in the same manner as the similar channel underneath applicant's flow baffle 100, i.e., as a flow inlet channel. Also, nowhere is channel 31a referred to or described by Artnik et al. as an inlet pipe, contrary to applicant's allegation.

3. Claims 5-10, 12, 17,18, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Artnik et al. (U.S. 5,343,506), who disclose a nuclear reactor with a core catcher (see Figs. 1-6).

The reasons are the same as those stated in section 2 of the 5/15/08 Office action, as further clarified in section 2 above, which reasons are herein incorporated.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rick Palabrica whose telephone number is 571-272-6880. The examiner can normally be reached on 6:00-4:30, Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 17, 2008

/Rick Palabrica/
Primary Examiner, Art Unit 3663